

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 891 OF 2015

Rohan Rajendra Powar	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Chetan G. Patil, Advocate for the applicant.

Mr. J.H. Ramugade, APP for the State.

I.O. Mr. S.D. Patil, A.S.I., Juna Rajwada Police Station, Kolhapur present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 29, 2015**

P.C.:

This Application is moved for anticipatory bail, as the applicant/accused is facing charges under sections 307, 323, 504, 506 r/w. 34 of the Indian Penal Code in C.R. No. 81 of 2015 registered with Juna Rajwada Police Station, Kolhapur. The incident has taken place on 20th April, 2015 and the complaint was lodged on the next date i.e. 21st April, 2015 by the injured person.

2. It is the case of the prosecution that in the procession of Shivaji Jayanti, there was dispute and physical fights between two groups, who are hostile against each other. The weapons were used with a view to over power each other. One Ajit Powar was injured. tion.

3. The learned counsel for the applicant/accused has submitted that

applicant/accused and his group has lodged the complaint against the rival group which is first in time at C.R. No. 80 of 2015 at Juna Rajwada Police Station. He submitted that the applicant/accused may be granted pre-arrest bail on the ground of parity, as co-accused Vishal Shiralkar who was attributed the similar role, was granted pre-arrest bail by the learned Sessions Judge by its order dated 26th May, 2015 and the Application of the applicant/accused was earlier rejected on 19th May, 2015. He further submitted that the reasoning given by the learned Sessions Judge in its order dated 26th May, 2015 at the time of granting bail to co-accused Vishal Shiralkar is sound, as the injured has sustained only simple injuries and no injuries out of kicks and fist blows are sustained to injured though there are allegations against the applicant/accused that he gave fist blows and kicks to injured.

4. Learned APP opposed the Application. He relied on the statement of the complainant.

5. Perused the complaint of Suraj Sakhare. It is true that these two rival groups have given complaint against each other on 24th February, 2015. It appears that there was fight between the two groups, however, both the groups have used weapons while assaulting each other. The learned Sessions Judge who has granted bail to co-accused Vishal

Shiralkar and who had rejected the bail of the applicant/accused are two different Judges. Perused the injury certificate. The injury sustained to Suraj Sakhare is of simple nature but it is incised wound on forehead. So also there is lacerated wound on nose. However, it is to be noted that the applicant/accused along with co-accused caught hold of the complainant when he was running. The other accused Ajit Powar earlier handed over pistol to co-accused Subhash Zambre and assaulted the injured with sword on his throat, however he missed the blow and it was on his forehead. Thereafter, the applicant/accused and co-accused Shiralkar kicked and gave fist blows. Considering the manner in which the incident of assault has taken place and the weapons used in the assault, I am not inclined to grant anticipatory bail. Hence, the Application for Anticipatory Bail is rejected.

(MRS.MRIDULA BHATKAR, J.)